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February 12, 2008

VIA HAND DELIVERY

Honorable Deborah A. Batts
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 2510
New York, New York 10007

MEMO ENDORSED

Re: Mark Labrew v. The City of New York, et al., 07 CV 4641 (DAB)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of the above-referenced matter on behalf of defendant City of New York. I write on behalf of the parties to respectfully request an extension of time of forty-five (45) days, from February 18, 2008 until April 4, 2008, for the parties to complete discovery in this case, and a corresponding adjournment of all other dates to follow in the Scheduling Order. Plaintiff's counsel, Carmen Giordano, Esq., consents to this request.

GRANTED
/DAB/

We respectfully request an extension of time in order to obtain outstanding medical records in this case. While I have obtained copies of plaintiff's medical records from several providers to date, there are still several medical providers for which I have not yet received plaintiff's records. For example, plaintiff claims that he sought additional treatment at Methodist Hospital following his release from custody. Plaintiff provided this Office with a release for these records and the release was sent to Methodist Hospital, however we are still not in receipt of plaintiff's medical records from Methodist. We are following up with Methodist Hospital and are making attempts to obtain these records as soon as possible.

Moreover, we have requested that plaintiff provide executed releases for any medical treatment he received (physical and/or psychological) within the past ten years. Upon receipt of these releases from plaintiff, we will process the authorizations and attempt to obtain the records as soon as possible. In this regard, it is defendants' experience that it takes at least

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one month for the entities to process the releases and to provide this office with the information requested.


While the parties had set aside dates for depositions, defendants respectfully submit that these medical records are necessary to evaluate plaintiff's alleged damages and to fully prepare for plaintiff's deposition. Accordingly, defendants require additional time to obtain these documents and to conduct discovery in this case, which would include taking plaintiff's deposition.

Finally, the parties have recently engaged in settlement discussions. The requested enlargement of time will permit the parties to continue these discussions, and attempt to reach an agreement which would obviate the need for further litigation.

Accordingly, for these reasons, we respectfully request an extension of time until April 4, 2008 to complete discovery in this case, and request a corresponding adjournment of the subsequent dates in the Scheduling Order.

In view of the foregoing, it is respectfully requested that the Court grant the within request. Thank you for your consideration herein.

Respectfully submitted,



Sarah B. Evans
Assistant Corporation Counsel
Special Federal Litigation Division

MEMO ENDORSED

cc: Carmen S. Giordano, Esq. (By fax)
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SO ORDERED



DEBORAH A. BATTS
UNITED STATES DISTRICT JUDGE
2/21/08